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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

LINDSAY KAMAKAHI and JUSTINE LEVY,
individually, and on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

AMERICAN SOCIETY FOR REPRODUCTIVE
MEDICINE and SOCIETY FOR ASSISTED
REPRODUCTIVE TECHNOLOGY.

Defendants.

Case No. 3:11-CV-1781 JCS

**SUPPLEMENT TO UNOPPOSED MOTION
FOR (1) PRELIMINARY APPROVAL OF
SETTLEMENT; (2) CERTIFICATION OF
CLASS FOR SETTLEMENT PURPOSES
AND (3) APPROVAL OF CLASS NOTICE;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT**

1 Pursuant to the Court's instruction at the March 4, 2016 hearing, Plaintiffs submit this
2 Supplement to their unopposed Motion for (1) Preliminary Approval of Settlement; (2) Certification of
3 Class for Settlement Purposes and (3) Approval of Class Notice. The parties have met and conferred at
4 the Court's instruction, and hereby submit the following documents for the Court's approval.

5 **First**, Exhibit 1 to the Declaration of Michael G. McLellan ("McLellan Dec.") submitted
6 herewith is a fully executed stipulation of settlement that the parties agree will replace the one provided
7 this Court on January 29, 2016. Exhibit 2 is a document showing the changes made to the settlement
8 agreement. In short, they are as follows:

- 9 • Paragraphs 20 and 21 of the settlement agreement, which defined the class and individual
10 claims that will be released by the Settlement, have been narrowed significantly to address
11 the Court's concerns relating to future claims and the scope of the release.
- 12 • Paragraphs 53(b), 53(c), 53(d), and 54(b) of the Settlement Agreement, which define
13 Defendants' settlement commitments, have been modified to more precisely define
14 Defendants' obligations under the Settlement.

15 Exhibit 1 also corrects certain minor typographical errors in the settlement agreement.

16 **Second**, Exhibit 3 of the Settlement Agreement contains the text of the Notice, which the parties
17 have agreed with replace the one filed with this Court on January 29, 2016. Exhibit 4 is a document
18 showing the changes to the Notice, which (1) reflect the modifications to the settlement agreement, and
19 (2) state that statutes of limitations may be applicable to class members' damages claims.

20 Plaintiffs also attach a Proposed Order to this supplement, which grants the relief sought in the
21 Motion (preliminary approval, preliminary certification, and approval of the plan of notice). It is
22 identical to the one provided with the Motion, except that it provides suggested appropriate dates for all
23 intervening deadlines between preliminary approval and the final approval hearing, assuming the Court
24 enters the Proposed Order forthwith. While the proposed order does not contain a date for the final
25 approval hearing, Plaintiffs submit that August 26, 2016 at 9:30 am would be an appropriate date for
26 that hearing, if convenient for the Court.

1 Pursuant to the Court's instruction, Plaintiffs have not noticed a hearing in connection with this
2 Supplement. Of course, if the Court should have any questions or desire further information, we will
3 make ourselves available or provide the requested information at the Court's convenience.
4 Dated: March 18, 2016

5 By: /s/ Rosemary M. Rivas
6 Rosemary M. Rivas

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